

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

ISAIAS NUNEZ, ) No. SACV 12-1243 DOC (FFM)  
Petitioner, ) ORDER REQUIRING ADDITIONAL  
v. ) RESPONSE TO AUGUST 7, 2012  
DOMINGO URIBE, JR., ) ORDER TO SHOW CAUSE  
Respondent. )

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On August 7, 2012, this Court entered an Order to Show Cause why the petition should not be dismissed as barred by the statute of limitations. Petitioner filed a response to the order on August 23, 2012. In his response, petitioner contends that he recovered new evidence in 2011 and 2012 and that his appellate attorney did not provide a copy of his appeal documents until this past year. Based on the foregoing, petitioner suggests that equitable tolling may be appropriate.

Petitioner's response fails to establish a basis for equitable tolling. However, before recommending that this action be dismissed as barred by the limitations period, the Court will afford petitioner an opportunity to provide additional facts supporting this equitable tolling argument. Specifically, petitioner is ordered to, within 30 days of the date of this order, explain in detail what new evidence he obtained, the date he obtained such new evidence, and why the

1 evidence was not obtained earlier. If the new evidence relates to the alleged  
2 failure of his attorney to file a motion for reconsideration, petitioner is ordered to  
3 explain what attempts he made at the time to follow up with his attorney with  
4 respect to the status of such motion. Finally, petitioner is ordered to explain what,  
5 if anything, in the “appeal documents” petitioner required before he could file a  
6 petition for writ of habeas corpus with respect to the claims asserted in the petition  
7 and why he was not aware of such information at an earlier date.

8 IT IS SO ORDERED.

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10 Dated: September 10, 2012

11 /S/ FREDERICK F. MUMM  
12 FREDERICK F. MUMM  
13 United States Magistrate Judge  
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